AN APOLOGY OF AN APPEALE.

ALSO

AN EPISTLE TO THE TRVE-HEARTED NOBILITY.

By *Henry Burton*, Pastor of St. *Matthewes Friday-Street.*

Act. 25. 11.

No man may deliver mee unto them: I appeale unto CÆSAR.

Printed, *Anno Dom.* 1636.

ASOLOGY:

OR AN

APPEALE.

AND

AN EPISTLE TO

CHARITY.

BRITISH MUSEUM

Printed, Anno Dom. 1656.

TO THE KINGS MOST EXCELLENT MAIESTIE.

MOST DEARE AND DREAD SOVERAIGNE,

When upon just grounds (as I humbly conceive, and am confident) I appealed from Parties and Adversaries to your Sacred Majestie for iustice in so waighty a cause, as here is presented before you: I thought long ere this to have had the happines, to have presented both an humble Petition, and Apologie to my Appeale to your Maiestie, in mine owne person. But two causes especiallie hindred mee: the one, Gods hand of visitation in this Citty, which continuing so long and great, I durst not make my approch to the Court, and chiefly to Your Maiesties Sacred Person, least I might give offence: the other (and which of the twaine is much more perillous to my selfe) the Pursuivants continuall watch about my dore, threatning to catch

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me, and make mee fast, or run my Countrey (as he saith) so as I cannot passe in or out, without present danger. And I confesse I have small list to come into that Lions denne, Quia me vestigia terrent: *not that I am afraid of any such terror, as not if conscious to my selfe of any such crime as they lay to my charge; but (as the Apostle said in the like case)* If I bee an offender, or have committed any thing worthy of death, I refuse not to dye: but if there be none of those things whereof they accuse me (*as matter of sedition*) no man may deliver mee unto them: I appeale unto Cesar. *And blessed bee God, that I have such a Christian* Cesar *to appeale unto. Neither yet have I neglected what possible, or probable meanes I could use in Court (being an old outcast Courtier, worne out of all favour and friends there) for the conveying of my said Apologie to your Maiestie but in vaine. So as being now out of all hope of acquainting your Maiestie with so great a cause, by that way and meanes as I desired: I am at length compelled to give forth copies, in hope at least, that some well minded man, or noble sparke, may upon the sight thereof (considering how neerely it concerneth the peace, safety, welfare, and honor of your Maiestie, and Kingdome) bee inflamed with so much zeale to your Maiestie, as overcomming all cowardlie feares, to dare to doe you so much worthie service, in bringing a Copie to your Maiesties hand, that so you may therein read the many and great disasters and dangers, where into this your Kingdome is in a precipitancie of being ingulfed, & accordingly in your Princely Prudence provide a timely remedy, before it be past hope. And the rather conceived I this way so the more necessarie, that comming haply into the hands of some of your wise and Sage Counsellors, Davids friends, they might be a meanes not*

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onely to bring it to your hands, but the more to ingage your Maiestie to the perusall of it; considering how many would bee readie to ease your Maiestie of such a commoditie: And now, my Gracious Soveraigne, as I have ever bent my chiefe Studies to your Maiestie the best and faithfullest service I possibly could: so I am persuaded I could not in all my life have had a fairer and fitter opportunitie to expresse my fidelitie to your Maiestie then now, in a case so important, as if your Maiestie shall but take sound notice of it, it may prove the happiest service, that ever a poore subiect could doe to his Prince and Countrey. Nor am I ignorant, how busie many would be to divert your Maiestie from the Consideration of such matters, as this; as if the great affaires of a Kingdome pertained not to the King, but that hee might take his pleasure, and leave the care of his Kingdome to others: But my Lord the King is wise, as an Angell of God, considering whose vicegerent hee is, and before whose awfull Tribunall he must give a strict account, how he hath manna-ged so waightie a charge of so many soules committed to his trust. Againe, what censures may I expect of them, who cannot indure to have their deeds brought to the open light? They will be readie to charge me with Popularity, Faction, Sedition, and what not, and all for thus bringing their actions upon the open stage. But first, they will (I hope) excuse me, when they shall reflect upon themselves, and consider in cold blood how they have provoked mee, by their calling mee forth upon the stage, and by their strange molesting, and prosecuting of me, as if I were a fellon, or a traitor: and secondly, for as much as they declare their deeds, as Sodome, and hide them not, and with a high hand maintaine them too, which is the highest pitch of all impiety: can they with

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any reason blame me, for divulging their practises, which they shame not to pester your Kingdome, and oppresse your good people withall, who therefore have need publickly to be warned of them, least they be seduced by them?

But not to detaine your Maiestie longer, bee pleased to read over this my Apologie of Appeale to your Maiestie, that your Maiestie may both discerne the depth of the whole businesse, and may be pleased thereupon to rescue your old servant out of those troubles, which hee suffereth for discharging a good conscience towards God, and your Maiestie. Now the Lord give you understanding in all things.

Your Majesties loyall subject
and faithfull servant

Henry Burton.

TO THE KINGS MOST EXCELLENT MAIESTIE.

The humble Appeale of me Henry Burton Clerke, from the proceedings lately made in the name of some Commissioners, for causes Ecclesiasticall against mee, together with an humble Apology of the said Appeale.

THE occasion of my Appeale was upon the reading of certaine Articles unto me by the Register of the Court before Dr. Duke and by his appointment, who there upon tendering to me the said *Henry Burton* an Oath to answere to the said Articles, I replied in these words, or to the like effect. I humbly Appeale to the Kings Majesty my Soveraigne and Patron, as my Iudge in this cause, before whom I shalbe both a defendant and a complai-

nant: for I hold it unfit, that they who are my Adversaries, should be my Iudges.

Now the reasons and grounds of this my Appeale are these following: First, the generall matter of the Articles chargeth me with seditious preaching; more particularly objecting unto me my Sermons, which I preached to my flock on the 5th of Nouember last, upon this text of Scripture. *Pro.24.21.22. My Sonne feare thou the Lord, and the King, and meddle not with them that are given to change. For their calamity shall rise suddenly, and who knoweth the ruine of them both?* And in the Sermons sundry specialties, and those chiefely concerning diverse Innovations, which my text did naturally lead me to speake of, and to reprove, to the end that my Parishioners might be admonished to beware of them, in case they should ever come to be obtruded upon them; as namely these Innovations in the Booke of Common Prayer: First in the Collect for the Queen and royall Progeny these words are put out in the later Editions: Father of thyne Elect, and of their Seed: as if they would blotte out the King, Queene and the royall Progeny out of the number of Gods elect. Secondly, in the Epistle for the Sunday before Easter, they have put out IN, and made it AT *the name of Iesus every knee &c.* Which alteration is directly against the Act of Parliament. The second booke wherein I showed a notorious alteration, was that, ordered by Parliament to be read on the 5th of November, in the First Collect of Thanksgiving for the happy deliverance of his Majesty, the Queen, the Prince, and the States of Parliament. For in the former booke it is thus said: *Infatuate their counsels*, and root out that Babylonish and Anti-

christian Sect, which say of Ierusalem, Downe with it Downe with it even to the ground. But in the new booke printed 1635. it is thus: *Confound their Counsels*, and root out that Babylonish and Antichristian Sect OF THEM, which say of Ierusalem &c. Againe in the old booke it is said: *And to that end* strengthen the hands of our gracious King, the Nobles and Magistrates of the Land with judgement and justice to cutte of these workers of iniquity, whose Religion is Rebellion, whose Faith is Faction &c. But in the new booke they have altered it thus. And to that end strengthen the hands of our gracious King, the Nobles, and Magistrates of the Land with judgement and justice to cutte OFF THESE workers of iniquity, WHO TVRNE RELIGION INTO REBELLION, AND FAITH INTO FACTION.

The third Booke, wherein they have made many alterations, is the Fast-Booke set forth by your Majesties Authority in the first yeare of your Raigne, and which your Majesty in your late Proclamation commanded to be reprinted and published and read in Churches at this Fast: Yet notwithstanding we find these alterations in the last impression this yeare in the first Collect those words are expunged: Thou hast delivered us from Superstition and Idolatry, wherein wee were utterly drowned, and hast brought us into the most cleare and comfortable light of thy blessed word, by the which we are taught how to serve and honour thee, and how to live orderly with our neighbours in truth and verity. Also they have left out in three severall prayers the mention of the Lady *Elizabeth* your Majesties only Sister, and her issue. Also the prayer for the Navy, and

the prayer for seasonable weather. And a whole Collect begining thus. It had been best for us &c. Also in the last page, *Order for the Fast*, are these words left out. To avoyd the inconvenience that may grow by the abuse of Fasting, some esteeming it a meritorious worke, others a good worke, and of it selfe acceptable to God, without due regard of the end &c.

Againe, they charge me that I spake against altering of Communion Tables into Altars, and against bowing unto them, and against setting up of Crucifixes over them, and against saying a second Service at the High Altar at the end of the Chancel, whence the people cannot heare, especially in greater Churches, and against putting downe of Sermons in the afternoones upon the Lords dayes, and instead thereof nothing allowed, but Catechising by bare Question and Answere out of the Common Prayer Booke, without expounding the Principles of Religion layd downe in the Creed, ten Commaundements, and the Lords Prayer, so that the people and youth especially are left in their ignorance. Also they charged me for saying, that Ministers might not safely preach of the Doctrines of Grace and Salvation, and against the Arminians without being troubled for it. Also, that Ministers in Norfolke and Suffolke were suspended from their Ministry and meanes, for not conforming to new rites and Ceremonies imposed upon them contrary to the Law of the Land. These things, with sundry other of like nature, were objected against me in the said Articles, which because a Copy cannot be procured from the Registers office, I cannot so punctually set downe, but referre unto the Articles themselves remaining with the

the Register of the High Commission. All which Innovations expressed, being found by evident proofe, to be most true, contrary to the Lawes and Statutes of the Realme, the established Doctrine and Discipline of the Church of England, your Maiesties Declarations and Proclamations; and many of them of very dangerous consequence, tending to iustify and extenuate notorious treasons and traitors, advance and usher in Popery, Superstition and Idolatry, and giving generall distaste to all your Majesties loyall and faithfull Subiects; who here upon grow iealous of some dangerous plot now in agitation by these Innovators, to undermine and overthrow both our Religion & good Lawes; yet my mentioning of them in my Sermons meerly out of loyalty and duty to your Maiesty upon that solemne day for which they were most proper to warne my flocke to take heed of such Innovations, as whereby Popery and Superstition doe not only craftily creep & steale in upon us, but is haled in with head and shoulders, is charged upon me as Sedition. Here then let your Maiesty be pleased to iudge whither this be matter of Sedition, as for which I should be suspended from my Ministry and meanes, and openly defamed as a seditious person. As if a Shepherd admonishing his sheep of the danger of the wolfe, or a watchman the City of the approch of the enemy, or a faithfull and vigilant Servant to his Prince and Country, descrying Cunning traitors, who under a colour of freindship and fidelity to the King and State doe practise the overthrow of both, should therefore upon the outcry of the wolfe, or the complaint of the enemy, or the recrimination of the Traitors, be adiuged and condemned of Sedition,

for discharging that duty, which both God, and his word, and the soules of Gods people require of him. Thus much of the matter of the Articles, upon the very refolutney where of I was moved to Appeale, as afore fayd.

Againe, for the further illustration of the iust cause of my Appeale, I except against the incompetancy of those Iudges, who plainly appeare to be both parties in the cause, and Adversaries to my person for the cause sake, and therefore both by the Common, Civil, and Canon Law, yea by the very Lawes of God and Nature, which prohibit any man to be a iudge in his owne cause, especially when the party is an enemy to him, that is to be iudged by him; and therefore by the Lawes of God and man I have iust cause of Appeale from them unto your Royall Maiesty. Where in the first place, I distinguish and put a maine difference, between those Honorable Nobles, Iudges, Counsellors of State, and other Lay persons of the High Commission, whom I except not against, but mention with all honorable and due respect, and between all those Prelates, who are Innovators (and *eo nomine* as they are Innovators onely) together with all those that have a neere relation unto them, and dependance upon them, as bearing office under them, and hoping for grace and preferment by them, which are the usuall body of the Court, determining all causes brought before them.

First, that these against whom I except, are parties, thus I prove; because the Innovations which I charge the Innovators with, are both done by them, or by their Officers, and also they appeare in the cause, as Patrons to Defend and maintaine the same against me;

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so as upon the very reading of the said Articles I could not but presently apprehend, that the laying of these things to my charge by way of recrimination, did professedly ingage them parties in the cause.

Secondly, because they are my Adversaries in the Cause, that this is so I prove as followeth. First, because they are Adversaries to those truthes delivered by me, and charged by them as matter of Sedition against me, which notwithstanding I am ready to maintaine against them with my life, although I never so much as once dreamed, that impiety and impudency it selfe in such a Christian State as this is, and under such a gracious Prince, durst ever thus publickely have called me in question, and that upon the open stage, not only for the manifest truth of those notorious and audacious Innovations contrary to the Law, but also (and which I can never sufficiently admire) that these things should be objected against me, which I preached upon the foresaid text and day, alledged in the said Articles: *My sonne feare thou the Lord, and the King, &c.* Wherein, according to my duty, and the text, I so much urged and pressed all maner of obedience and service to God, and to the King (as all those who heard me can testify) earnestly admonishing Gods people and the Kings Subiects to beware, and not to meddle with such Innovators, (as according to my text) are enemies of God and of the King, and divide between the King and his people.

Secondly, they against whom I except, as aforesaid, are my Adversaries, in that they usurpe such a title of their Jurisdiction, as cannot consist with that title of Jurisdiction, which the Law of the Land hath annexed

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to your Imperiall Crowne, from whence all maner of Ecclesiasticall Iurisdiction what soever hath its immediate and sole dependance and derivation, as appeareth by the Statute of 26. H. 8. c. 1. 37. H. 8. c. 17. 1. Ed. 6. c. 1. 1. Eliz. c. 1. and 1. Iac. c. 25. which repealed Queen Maries Act of repeale of the said Statute of Ed. 6. c. 2. whereby the same Statute standeth now in force. And the said Statute of 1. Eliz. c. 1. uniting all manner of Ecclesiasticall Iurisdiction whatsoever unto the Imperiall Crowne of this Realme, enacteth the Oath of Supremacy and Allegiance eo nomine to that very end and purpose, that none should presume to exercise any Ecclesiasticall Iurisdiction within this Realme, but by vertue of the Kings Letters Patents, and in the Kings Maiesties name and right: notwithstanding these men against whom I except, as aforesaid, haveing all of them severally often solemnely taken the said Oath of Supremacy and Allegiance, & being undoubtedly bound thereby, doe continually exercise their Episcopall Iurisdiction without any such Letters Patents of your Maiesty, or your Progenitors in their owne names and rights only, and not in your Maiesties name and right, to the manifest breach of their Oathes aforesaid, and to the manifest vsurpation of your Maiesties right, and in high contempt of your Majesty contrary to your Maiesties peace, your Crowne, and dignity. And therefore under your Maiesties royall favour I account all such my Adversaries, and so in competent Iudges of my cause aforesaid. The rather, because this very Act, which they thus notoriously transgresse, is the ground whereupon their Commission in causes Ecclesiasticall is erected, and that principally

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for the better observation of the said Act, and the punishment of all Delinquents against it, as appeares by all the Commissions Ecclesiasticall into which this clause of the Statute is inserted. Now if these men thus dayly infringe this Act themselves, and soe abuse that very power and Commission by which they now clame to be my Iudges, in affront of your Maiesties royall Iurisdiction, what indifferent justice I may expect from them, I humbly referre unto your Majesties just and royall consideration.

Thirdly, they who are Adversaries of God and of the King, are my Adversaries, But all Innovators either in matters of Religion, or of the Common weale, are Adversaries of God, and of the King: therefore they are my Adversaries. The first Proposition noe good Christian, or loyall Subject will deny, but that the Adversaries of God, and of the King, are his Adversaries. And for the other Proposition, the text proveth it: for Innovators are there opposed to the feare of the Lord, and of the King. And those men against whom I have excepted, as aforesaid, either are the Innovators themselves, or chiefe Authors, Abbetters, or Countenancers of those Innovations; and therefore they are my Adversaries, and so incompetent Iudges of my Cause.

Fourthly, they are my Adversaries for this reason or argument. They which are Christs enemies, are my enemies. But these are Christs enemies: therefore my enemies. That they are Christs enemies, I prove. They who oppose the word of God in the Ministry of it, in stopping the mouthes of Gods Ministers and persecuting of them without and against all Law, are Christs

enemies. But these doe so. Therefore &c. That they doe so is cleare by their practise, which will abundantly appeare upon due examination.

Fiftly, they who are the Kings enemies, are my enemies. But these Innovators, by overturning the State of Religion, in bringing in their new Superstitious rites and Ceremonies, whereby both God is justly incensed to wrath against the Land, and the peace of the same is disturbed, are the Kings enemies. Therefore they are my enemies. They are the Kings enemies, that openly and affrontingly with a high hand and shameless forhead trangresse and oppose his Majesty royall Lawes, Proclamations and Declarations against all Innovations in matters of Religion &c. And thereby disturbe the peace of his Majesties Kingdome, and weaken the State thereof distracting the peoples hearts, by making them both to feele their present oppressions especially upon their Consciences, and to feare the utter subversion of the true Religion by your Majesties Lawes established amongst us. Againe, they who with all their might and maine persecute and oppugne those faithfull, loyall Subjects, Ministers and people who most plead and stand for his Majesties just and royall Prerogative in Causes Ecclesiasticall, his Lawes, Declarations, Proclamations, and the established Doctrine and Religion of Christ in the Church of England, and most oppose all Innovations, and enemies to them, must needs be the Kings enemies: But thus doe those from whom I Appeale. Therefore they are the Kings enemies, and so myne. This suffice to prove those my Aduersaries, and so incompetent Judges of me and of my Cause.

Finally,

Finally, I have just cause to *Appeale* from those Commissioners excepted against unto your royall Majesty, for their illegality, which I have observed in their Proceedings partly in their usuall practise, and partly in this present cause. First, for their usuall practise, and that in administring the Oath, which they terme *Ex officio*, in which they transgresse in these particulars. First, in inforceing the same upon men before any Copy given them of the Libel or *Articles* exhibited against them, yea for the most part before any *Articles* drawne, upon their very first appearance: whereas in all other your Majesties *Courts* of Iustice, noe Oath is either exacted or administred, till after a Copy of the Information or Bill delivered to the party and his answere thereunto drawne up and ingrossed by advise of counsell upon the putting in of his *Answere* into the *Court* and not before: which as it is contrary to the very Commission itselfe, which expressely limits them to administer Oathes in such manner and forme as is used in the Chauncery before the *Masters* thereof, where no man is forced to take an Oath, till the putting in of his *Answere* to the Bill or Plaint against him: So as it deprives him of the use and benefit of Law, by way of demurrer unto the *Articles*, if there be occasion: no party being inforced, either in Star-chamber, or any other Court of Iustice in the Realme, to take answeres, where there is just cause of Demurrer, but puts in a Demurrer by advise of counsell, without any Oath at all. And his so taking of a rash Oath, is directly against the 39 Article of our Religion: *Of a Christians mans Oath*: In these words: *As we confesse that vaine and rash swearing is forbidden Christian men &c. So we judge, that Chris-*

stian Religion doth not prohibit, but that a man may sweare when the Magistrate requireth in a cause of faith, and charity, so it be done according to the Prophets teaching justice, judgement and truth: Now such swearing to what a man knoweth not, is vaine and rash. It is also against fayth and charity, when the Oath is extended to accuse a mans selfe, or his neigbour unlawfully. Secondly in makeing the Oath which they administer, an usuall snare to those which take it. For although it be pretended, that thereby they are bound to answere to Articles in Court against them no further then the Law of the Land bynds them, yet being taken, they presse it upon the mans conscience to answere in those things, which neither Law nor conscience bynds him unto. And in case he shall except against any Article, as not bound by Law to answere it, then they take it *pro confesso*, and so (although it be for accusing himselfe, or others, wherein he ought not, being a breach of charity and of that *Maxime*, *Nemo tenetur prodere seipsum*: and contrary to all Lawes of God and man) they illegally proceed to Sentence without any just or further proofe of the things objected.

Moreouer, their proceeding is illegall, in that the Deponent is not permitted to have a Copy of the Articles against him, and to answere them by the advise of counsell, as in all other Courts of Iustice within the Kingdome hath ever been used, but must make a sudaine answere without advise of counsell, wherein men commonly through ignorance of the Law, ambiguity of certaine termes, and captious Interrogatories, are inforced to insnare themselves even in cases wherein they are Innocent.

Besides

Besides all this, after their first Articles, whereby they often draw men unto the Oath, when they see they cannot have the advantage, of them, thereby, they put in Additionals, and Additionals upon Additionals contrary to the course of Iustice in all other your Majesties Courts within the Realme, which admitt of no Addition to the first Bill, Indictment, or Information exhibited, after answere given to it, least causes should be infinitely protracted, and men continually vexed, whereby many of your Subjects are there intolerably grieved and oppressed, their causes protracted, expenses multiplied, and so never given over or dismissed the Court, till they have brought them into their lureh. And in fine, their imposing of fines, and imprisoning in such cases and for such matters, as they neither may nor ought to doe by Law. Thus for their illegalities in their usuall proceedings.

Secondly, their illegality in this their proceeding against me in particular is a just cause of my Appeale; which consist of two particulars: First, in the subject matter of the Articles objected against me, which themselves terme therein Sedition, of which (admit it true) yet they have no cognisance in point of Law; Sedition being no Ecclesiasticall offence against the Church, but a Civil against the King and State; and therefore to be tryed only in your Majesties Courts of Civill Iustice, and not before the Ecclesiasticall Commissioners, who have no cognisance of it. And therefore the Apostle *Paul*, when he was most unjustly accused (as I am now) by *Ananias* the

the High Preist with the Elders, and Tertullus their Advocate, that they had found him a pestilent fellow, and a mover of *Sedition* among all the Iewes throughout the world, and a Ring-leader of the Sect of the Nazarens (*Acts* 24. 5.) they did noe convent him before them in their *Ecclesiasticall* Consistory, but before Felix the Governour a temporall Magistrate, knowing well, that Sedition was not an *Ecclesiasticall*, but a Civill offence, of which Paul there purged himselfe, without being put to any *Ex officio Oath*, putting them to prove the crime objected by witnesses, saying, *Neither can they prove the things, whereof they now accuse me*: as I presume my Accusers likewise cannot doe in any Court of Iustice against me. Since therefore they are soe unjust as to question and Article against me for Sedition, of which they have no cognisance, I conceive it to be *gravamen*, and so a just cause of Appeale from them.

First, in the manner of their proceeding against me, which hath been very exhorbitant, illegall, and extraordinary, in these particulars. First, in serving me with a Citation to appeare only before one single Commissioner at his private house, when and where there was not then, nor ever hath been heretofore any High Commission kept; whereas all appearance are to be made in Court; and there tendering me Articles and an Oath to answere to them, contrary to the Law, and their owne usuall course.

Secondly in excluding my neighbours and friends that accompagnied me thither, out of the house, that they might not heare, or see what was done, and tendering me both the Articles and the Oath in a private roome where Dr. *Duck* and the Register only were present:

sent: Whereas all Courts of Iustice ought to be publicke, that all that will may see and know their proceedings in them, and not in a corner.

Thirdly intendering me an *Ex officio Oath*, to answere and accuse my selfe, in a matter of *Sedition*, (which if true) might call not only, my reputation, but also my life & liberty into question; whereas Whitgift Archbishop of Canterbury in the Conference at Hampton Court, printed by Authority, there publickly averred, that in *matter of life, liberty or scandall*, it is not the course of that Court to require any such Oath, or to inforce any man that hath taken the Oath, to answere to any such Articles. And Paul himselfe, when he was accused for Sedition by Ananias the High Preist & Tertullus, was neither required nor inforced to take any such Oath, as appeares by *Acts.* 25.

Fourthly, in that they would inforce me to answere upon Oath, and bring in a Copy of what I publickly preached in my Parish Church, which I conceive I am not bound by the Law of God or man to doe, nor ought they to require. For (*John* the 18. 19. 20. 21. 22. 23.) when the High Preist asked Iesus (being convented before him) of his Disciples, and of his Doctrine: Iesus answered him, saying. *I spake openly to the world, I ever taught in the Synagogue and in the Temple, whither the Iewes allwayes resort, and in secret have I said nothing. Why askest thou me? Aske them which heard me what I have said unto them. Behold they know what I said. And when he had thus spoken, one of the officers which stood by, strooke Iesus with the palme of his hand, saying: Answerest thou the High Preist so? Iesus answered him: If I have spoken evil, beare witnesse of the evil, but if well, why smitest thou me?*

swer? A plaine testemony from our Saviours owne Doctrine and Example (which no man can condemne as unjust or illegall) that no Minister ought to be put so much as to give an answere, much lesse a Copy of what he publickly preached in the Church, and that upon Oath to prejudice or accuse himselfe thereby, but what ever he delivered, ought to be proved by witnesses, that heard him: and the High Preist being satisfied with this answere of our Saviour, I hope no High Commissioner, but ought to have rested satisfied with the like from me, though as yet they still proceed to presse me to an Oath.

Fiftly, in calling a Private Commission out of Terme, in or neere Dr. *Duckes* private Chamber at Doctors *Commons*, and no publick Court, and there proceeding to suspend me in my absence, under pretence of a contempt in not appearing before them, when as first I had no lawfull Citation under Seale then and there to appeare. Secondly no sufficient legall notice of the time and place of the said Commissioners meeting, and so was not bound by Law to appeare before them, especially in a Corner, out of Terme, in an unusuall manner.

Sixtly in suspending me, notwithstanding my Appeale to your Sacred Majesty entred formerly at Dr. *Duckes* house at Chelwick by their owne Register before the said suspension, of which my Appeale, being registred in the Court, they ought all to have taken notice.

Seventhly, in suspending me against all Law and Iustice, both from my Office and Benefice, in my absence, as if formerly lawfully convented before them, and publishing

blishing the said suspension in an unusuall manner in my Parish Church, and commaunding all Parsons Vicars, Curats, Clerkes and Ministers within the City of London to whom the said suspension is directed upon the Sunday next, and immediately following the receipt thereof, openly to publish and declare me to be suspended both from my Office and Benefice in their severall Parish Churches, when the Congregation shalbe then and there assembled to my intollerable disgrace and scandall.

Eightly in taxing and condemning me of Sedition, and other misdemeanors in their said suspension, before either heareing my Answere, or the Cause,

Ninthly, in denying me a Copy of the Articles exhibited against me, to perfect this my Appeale to your Majesty by, and to annex them thereunto and refusing to give me a Copy of the Acts of the Court and proceedings against me, though I have often sent for them.

These, my most Gratious Soveraigne, are the grounds & reasons of my Appeale from the said Commissioners excepted against, to your Majesty, my Soveraigne Lord and Patron, which together with my person and cause I here humbly prostrate at your Majesties royall feet, imploring the justice of your royall Throne (which is established by righteousnesse) and that in so important a Cause of God and of the King, which I am certaine you will never deny to your meanest Subject, much lesse to your auncient Servant and dayly Orator to the Throne of Grace,

Henry Burton.

TO ALL THE TRVE-HEARTED NOBILITY OF HIS MAIESTIES Most Honorable Privy Councell.

MY HONORABLE LORDS,

EXpect not here from mee the Court language or dialect; it will not suit my person, much lesse the cause, which here I present to your Honors; being such a cause, as I know not how the Court spirit will relish it, much lesse digest it. Let me therefore be bould, in the first place, to awaken those Nobler spirits (if haply either layd and luld asleepe by the inchantments of these present times, or otherwise smothered under the heape of Court imployments, and the like) yea spirits heavenly inspired, which respiring a while, and retiring into the closet of your inmost Muse, may summon all your cares and powers to the sad and solid consideration of a cause so important, as (all circumstances and consequences well weighed) I dare say, the like hath not come upon the stage for these many yeares; being a cause so much concerning the honor of God,

God, the peace; welfare, and honour of the King, the State of Religion and of the Commonweale by good Lawes established, the liberty of our consciences, and the honour of your Lordshipps, being Peeres of the Realme, Counsellors of State, and so pillars of the Kings Throane, of Religion, and of the Republique; all which doe now exceedingly suffer, and are terribly shaken, yea ready to fall to ground, if not prevented by some speedy and effectuall remedy. And whence should remedy be expected, but (next unto God) from his Sacred Majestie, and from his prudent and faithfull Counsellors of State, the great chariots and horsemen of Israel? To the end therefore, that his Majestie may take notice of so weighty a cause in hand, and lay it to heart, and strengthen his hands with Iustice to vindicate his honor therein, I have humbly addressed my selfe to his Majestie both by petition and Appeale, and next to your Honors by way both of information and of sollicitation to give your eyes no sleepe, till you have effectually moved his Majesty to a serious consideration of such a cause, that so neerely concerneth the weale or woe of this Kingdome. Not that I take upon mee to judge of such high matters, but that his Majesty would bee pleased to weigh the cause in the just scales of his mature wisedome, and unpartiall judgement (all respect of persons layd aside) and also consult his sage Senators therein, that some thing may bee forthwith resolved on, and set on foot, for the preventing (if possible) of the imminent ruines both of Church and State: Nor let this motion be contemned, because it commes from so meane a person, as (in the worlds opinion) a poore Minister of Christ. Certainly, I am one of the watchmen of Israel

(thoughthe meaneſt) yet one who hath obteined mercy to bee faithfull. Nor have I inconſideralty or raſhly ruſhed upon this buſineſſe, but have been by a ſtrong hand drawne into it. Yea, my Lords, knowe aſſuredly, that Chriſt himſelfe, my great Lord & Maſter, hath called me forth to be a publique witneſſe of this great Cauſe, who will certainely mainteyne both it and me againſt all the Adverſaries of God and of the King. And being ſo, doth not the ſame Lord Ieſus Chriſt, the King of Kings, and Lord of Lords, call both the King, your Honors and all his Nobles and worthies to lay to heart ſuch a cauſe as this, if with the whole Realme yon will not be brought backe againe under the Papall and Antichriſtian yoake, which, where euer it cõmeth, Lordeth, and tyrannizeth over ſoules, bodies, conſciences, goods, lawes, and Liberties? What? ſhall we ſee Religion overturned, the Lawes out lawed, our Liberties captiued, Chriſt Kingdome and the Kings throane together undermyned, and Antichriſts throane exalted over us, and that by a Faction of Ieſuited Poly-pragmatiques, and wee like heartleſſe doves ſitt trembling while the Hagards doe outdare us, as if we were made for nothing els, but for them to prey upon? Certainely if wee thus ſit us downe, and hide us under the hatches, while the Romiſh Pyrates doe ſurpriſe our Ship and cut our throaths, and caſt us overboard, what volumes will be ſufficient to Chronicle to poſterity the baſeneſſe of Degenerate Engliſh Spirits, become ſo unchriſtianized, as to ſett up Antichriſt above Chriſt, and his annoynted, and to ſuffer our ſelves to be cheated and noſe-wiped of our Religion, Lawes, Liberties, and all our Glory, and that by a ſorte of

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bould Romish * Mountebanks and Iuglers?

Obiection. But some will obiect, what doth this concerne any of the Laity. Doe not matters of Religion properly pertaine to the Clergy? Have not they all the power and Authority to determine such matters? *Tractent fabrilia fabri*, will they say.

Answer. O egregious and pernicious errour! The Clergy only (by which they meane the Church) to have power in matters of Religion to determine them? As if lay persons, who are Christians, be not members of the Church of Christ, & Gods peculiar people and inheritance. Againe, what should become of our Parliamentary Lawes, by which our Religion hath beene established, and the Popish abolished? Or what shal become of our Religion so established, if the Authority therof must now depend only upon nthe Clergy, & that Clergy for the most part dependes upon the authority of one, who exerciseth a kinde of Papall power in determining matters of Religion? Then how ealy were it for one Arch-Bishop of Canterbury (if her be possessed with a Papall spirit, and zeale for Popery, & should have great favour & power in Court) in one assembly of Prelates, at one clap to overthrow all our religion by Law established, and to set up againe the whole body of Popish superstition and Idolatry? Moreover, why should it be unlawfull for lay persons, Nobles, and others, to looke into matters of Religion within the limits of their calling, whether generall, as Christians, or speciall, as members of the common weale; when Clergy men dare (in affront to Gods word, to Christs Doctrine and example, & of his Apostles, to all Councels and Canons whatsoever) usurped & take upon them to intermeddle in the managing

* Such as Francis a Sancta Clara, and other his Iesuiticall Complices

even of the highest and weightiest affaires of Princes, States, and temporall Kingdomes, which is incompatible with the ministeriall function? Againe, have not all Christians soules to save? and are not those of Bereans* indigitated in Scripture, as being *more honourable then others, in searching the Scriptures daily whether those things were so, which even the Apostle Paul himselfe did teach?* And are not all Christians themselves enjoyned to *try the spirits, whether they bee of God?* And the rather, *because many false* * *Prophets are gone out into the world* 1 *Iohn.* 4. 1? And are not all Christians to know the Scriptures, as *if any teach* * *otherwise, yea though Angell from heaven, to hould him accursed,* Gal. 1. 8? And are we not all Christians? And if every Christian how meane soever should have a care of his owne soule, and not to pinne it upon any ones sleeve, as not knowing whither hee may carry it; how much more every great man, that is in high place, and hath greater gifts of knowledge, and is *in* * *estimation for wisdome and glory?* It is a Iusuiticall principle, and that very mystery of iniquity, which supports Antichrists throane, to require or render blinde obedience to the dictates of the Church, *alias*, of the Pope, or Prelate, or Priest, then which servitude and spirituall bondage none in the world is more vile and base, none more perillous and pernicious. Thus *the* * *blind leading the blinde, both fall into the ditch*: thus *the Pope carrying with himselfe millions of soules to be tormented with the great Divell, and none to reprove him for it* (as their owne *Decretalls* say) what amends will this bee to those soules thus miserably deceived by him? So as this new doctrine of the Iesuites, so much eryed up now adayes in Pamphlets

Wisd. 17.

* 1. Io. 4. 1.

*Gal. 1. 8.

* Eccles. 10. 1.

* Matth. 15. 14.

phets and Pulpits, therby to captivate the faith and Conscience of all the Laity, yea and of all inferior Ministers to the dictates of the Metropolitan chaire, is nothing els, but that prime Article of the Antichristian and Papall Creed, to overture all the Articles of our Christian Faith. And if this Iesuiticall Doctrine be creapt into the Court, and there beginne to Lord it, the Lord himselfe roote it up, and cast it out. But your honors *have not so learned Christ*, as thus to come under Antichrists Babilonian yoake. And therefore in the name of Christ rowse up your noble & Christian zeale, & magnanimous courage for the truth, and now sticke close to God and to the King, in *helping the* * *Lord* and his Annoynted *against the Mighty*, and *earnestly contend for the maintenance of that Faith* * *& Religion, which was once delivered to the Saints*, and hath been sealed with the blood of so many holy Martyrs, and transmitted downe to us from our worthy Progenitors, and whereof our gracious King is intituled the *Defender*, and hath in sundry his royall *Declarations* and *proclamations* solemnely protested, *that hee will never suffer the least Innovation*, and which also your Honors have bound your selves not only as Christians in your Baptisme, but as Counsellers and Statesmen by Oath to maintayne, not suffering any forraigne or other exorbitant and usurped power to be exalted over this Land in any other Iurisdiction Ecclesiasticall, then is by the Law annexed to the Imperiall Crowne of this Realme. To conclude, the cause both of my petition and Appeale to his Majesty, is this, That usurpers and Innovators of Religion, and of the Lawes of the Land, being occasionally and justly charged by me in my sermons (as heere your

Ephes. 4. 20.

* Iudges 5. 23.

* Iude. 3.

Honors

Honors may see) may be inquired on, & called to a strict account. And the rather whē now they shew by their recrimination in the articles objected against me, how ready they are openly upon the stage to maintaine with an high hand those their usurpations & Innovatiōs; Which, as it cannot be without impiety, so much as once imagined, that his Majesty would ever countenance, against so many solemne protestations to the contrary: So it cannot be without horror conceived, into what devouring gulfes they must needs precipitate this otherwise goodly State, if with Gods good help the King & State ioyntly and speedily put not to their maine strength to stay it. All the world seeth in what a distracted estate things doe stand, and what a cloude of divine displeasure hanges over us, how ill wee thrive in our affaires how heavily the chariots are driven. And can we wonder but that God should blast all our beauty and glory, if men of Beliall, of that lawlesse one, be suffered to make havocke of Christs Kingdome, to destroy the true Religion and to set up againe Popish superstition and idolatry over the Land? Certainely, if such be suffered to goe on thus, as they doe, God must needs destroy us. Therefore my honorable Lords, give me leave againe and againe to presse this upon your Honors, as a mayne service which you owe both to God, to the King, to Religion, and so to your Posterities, and to the whole State that your Honors will use your best meanes throughly to acquaint and possesse the King with this weighty businesse; That upon the sight thereof his wisedome, directed by Gods spirit, may finde out a speedy course for the removing of those intollerable greivances under which his whole Kingdome groaneth,

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ready to sinke, and to breath out its last. And what ever the present necessities be, this I am perswaded of, that never could a fayrer opportunity be taken, if well followed, to vindicate his Maiesties honor, and to make him the most happy & glorious King in Christendome, when closing with God and with his good people, hee should at least reduce into order the troublers of Israel. Now the Lord our God fill your heroical hearts with understanding, zeale and courage, that you may acquitte your selfes as good Christians towards God, faithfull Counsellors to the King, and true Patrons of the true Religion, and so strong pillars of the State, in this cause of God and of the King; That so after many honorable dayes heere, you may be crowned with eternall glory in the Kindome of heaven, which is the prayer of

Your Honors humble Orator at the Throane of grace,

Henry Burton.

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TO THE REVEREND
And Learned
IVDGES

RIGHT WORSHIPFVLL,

YOur place and office of Iudicatury to which God and the King have called you, ingageth you to doe justice to all impartially, as being bound thereunto both by law, and conscience. By law: For, * *Iustice shall not be sold, deferred, nor denyed to any man.* And, * *No Commaundement under the great or little seale shall disturbe or delay iustice, or right in any point.* And, *the Iustices of both benches, Assise &c. shall doe right to all men, without regard of letters, writs, or Commaundments &c.* Secondly. by conscience; For the law prescribes, this Oath, unto you. *Ye shall sweare, that well and lawfully ye shall serve our soveraigne Lord the King and his poeple in the Office of Iustice and that lawfully ye shall counsell the King in his businesse ye shall doe even Law and Execution of Right to all his Subiects rich and poore without having regard to any person &c. and in case that any of what estate or condition they be, come before yau in your sessions &c. to disturbe the execution of the Common law, or to menace the people, that thay may not pursue*

* *Magna Charta. cap. 29.*
* *2 Edw. 3. c. 8.*
* *18. Edw. 3. State, 3. 20. E. 3. c. K. 2.*

the

the law, that you doe their bodies to be arrested, and put in prison. And in case they be such that ye may not arrest them, that ye certify the King of their names, and of their misprision hastily, so that he may thereof ordaine a convenable remedy; and that yee deny to no man common right by the Kings letters, nor none other mans, nor for none other cause. And in case any letters come to you contrary to the law, that ye do nothing by such letters, but certify the King thereof, & goe forth to do the Law, notwithstanding the same letters. And in case ye be from hence-forth found in default in any of the points aforesaid, ye shall be at the Kings will of body, Lands, and goods thereof to be done, as shall please Him, as God you helpe &c.

Now these things I recite (most *Learned* Iudges) not as if you were ignorant of them, or had altogether forgotten them, but that the remembrance of them might the better prepare you to doe iustice in a cause which here I present unto you. And yet when I doe but name the cause, namely for God and the King, what needs any other incitement to doe iustice, then your owne propensity? In this case, which of you will not professe to be For God and the King? Well. I take it for graunted, that you are and wilbe for God and the King. Onely give me leave in a word to intimate, what it is to be for God and the King. First for God. Christ saith to persecuting *Saul, Why persecutest thou me?* Yet he persecuted not Christs Person, but his members and Ministers. And to his Disciples he saith. *He that honoreth you, honoreth me; and he that despiseth you despiseth mee.* Are you then for Christ? Then you must be for his Ministers, to doe them iustice in their iust cause. If so, than what meaneth the blearing of the sheep, the grievous

eõplaint of Gods Ministers in many places of this land, who are unjustly oppressed, suspended, excommunicated, outed of their livings, and so themselves & families undone in their worldly estate? You will say, why doe they not complaine to us? If they doe not, it is because some of them have done so, and yet found little or cold reliefe, and because the common rumour goeth, that the course of Iustice is stopt in such cases, so as none dare plead their cause, or open their mouths against the Prelates. But I hope better. And if none be found to plead this cause of God, I hope your Worships will give me leave (according to the right of law) to plead it, and your selves will give true judgement. For as I am Christs Minister, so I am the Kings faithfull subject, & crave justice at your hands according to the Kings lawes, and oathes. Yea his Sacred Majestie himselfe hath declared his will to this purpose, in the Petition of Right, saying, *The * King willeth that Right be done, according to the Lawes and customes of the Realme; And, that the Statutes be put in due execution, that his Subiects may have no cause to complaine of any wrong, or oppressions, contrary to their iust Rights and Liberties: to the preservation whereof he holds himselfe in conscience as well obliged, as of His Prerogative.* And in Person thus: *I assure you my Maxime is, that the Peoples Libertie strengthens the Kings Prerogative, & the Kings Prerogative is to defend the Peoples Liberties.* This being so, the Kings Prerogative, his just lawes, & the Peoples liberties, are so combined together that they must be altogether preserved intire, so neither, can you be so for God, but you must be also for the true Religion, & for his faithfull Ministers: nor secondly so for the King, but you must be also for his Lawes, and his peoples rights & liberties, sith the King and his people make one politicke body; and hee cannot love the

Head,

* *And shal the greatest Prelates will or pleasure then countermand this his Majesties will, and Royall printed mantate to your worships I proue not.*

Head, who seekes to hurt the members; or who setts the Head against the members, or who for advancing the Head, destroyes the members; or who maketh a Schisme and rent betweene the Head and the members. And are not the Lawes of the Kingdome the ligaments, which fasten and unite the Head and members, the King & his people together? It is your charge to see that these ligaments bee not dissolved, but preserved safe and sound: else the whole, both Head and bodie, (of which your selves and Posterity are members) must needs suffer together. O then, what a waighty charge lyes upon your shoulders at this time, when the whole frame both of the Republick and Religion so shaketh, as it threateneth sudden ruine, if the Lawes, whereon they are established, bee not maintained in their full strength and vigour? Doe not your Wisdomes see a new generation of Innovators risen up in this Land, who usurping and practising a Papall and Antichristian Power and Iurisdiction, exempted from the Kings Lawes, and not depending (as they pretend, and professe) on the Kings sole Prerogative and Authority, doe thereby beginne to overtoppe the Royall Throne, and trample the Lawes, Liberties, and just rights of the Kings Subjects under their feet? What meaneth that difficulty of obteineing of Prohibitions now adayes whereby the Kings innocent Subjects should be relieved against their unjust molestations & oppressions in the Ecclesiasticall Court and high Cõmissions? What meaneth that consternation of spirit among Lawyers, that few or none can be found to plead a cause, be it never so just, against an oppressing Prelate & are either an menaced or imprisoned if they do it? What meaneth that timidity in Ministers & people, who chuse rather to sit down with losse of al, even of the cause of religion it selfe, thẽ go to law, against a Prelate?

What meaneth that lawlesse insolency and boldnesse of many Prelates? who against law and conscience, against the expresse *Doctrines* of our Church, and against Gods word, the ground and rule of our Faith and Religion, dare of their owne heads bring in, sett up in Churches, and impose upon *Ministers* new rites and ceremonies (contrary to the Act of Parliament before the Communion Booke) Altars, Images, and Crucifixes, with sundry superstitious gestures of bowing, ducking, & standing up, with other notorious innovations (as even your selves cannot be altogether ignorant of, and may further in one view behold in those sermons following) suspending, excommunicating, and outing those Ministers, that will not, dare not conforme unto them. What meaneth that Antichristian pride, & lawlesse power in vexing & conventing the Kings good subjects, for observing the Kings Lawes, and executing of iustice upon, or lawfully suing and indicting at the Common law, transgressors of the same by their bold innovations? the very hight of Antichristian tyrranny, sedition and rebellion. I beseech your Lordships well to examine the originall roote and cause of all these insolent irregularities and illegalities, which not only tend to, but hasten on inevitable ruine both to the Church and state, if not spedily prevented? And so vindicate yourselves herein, as that you may cleare yourselves from being the prime and principall causes of all the mischiefes and maladies in the land; by either fearing denying, or delaying to doe iustice upon and against these insolent Innovators. Have we not the best King in Christendom who hath so frequently & solemnly, as in the late Petition of right, so in his royall * Declaration

* Declaration be-

claration

claration protested, calling God to witnesse, that neither in Doctrine or Discipline he will suffer the least innovation to creep in, but will maintaine that Religion, which was in Queen *Elizabeths* Raigne, & under which this Kingdom hath so long florished? Notwithstanding all which, shall any upstart Innovators dare to set up their Popish rites and superstitious Formes of worship in our Churches, contrary to the expresse Lawes of the Realme, and can you the Reverend Iudges but be touched both in conscience of your duty of office & Oath, and in care of the peace an welfare of this Kingdome and Church, and of the Kings honor, and safety? Can such furious and outragious alterations of Religion be in any state without drawing a long with it and after it infinit distractions and rents in the Kingdome and intolerable discontents and heart burnings in the peoples myndes, both tending to stirre up sedition within, and to expose the state to forraine invasion? For Gods sake therefore, sith his Majesty hath committed, to you the sword of Iustice, draw it forth to defend the lawes against such Innovators, who (as much as in them lyeth) divide betwen the King & his people. Your selves know better then I can tell you that if there be oppressions in the Common weale, especially against the ordinary Course of the Lawes, and against the Liberties of the subject established by law, how hardly it is digested, and what dangerous discontents it may breed: how much more perillous are such alterations of religion, which would by a strong hand, and that after so long and cleare light of the Ghospell, bring us backe againe under an Antichristian yoake, which tyranizeth over the conscience, soule, body, goods, and liberties, poy-

fore the Articles of Religion And Declaration of yet Causes of dissolving the Last Parliament: Printed by his Majesties authority.

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soning religion with Idolatry, superstition, and all manner of Will-worship in human inventions, and traditions, condemned by Christ and his Apostles? Vp therefore, and play the men; discharge that great trust, which the King hath reposed in you which your Sa- Oaths require of you, which all the good people of the Land expect of you, and which Christ himselfe the great Iudge of quicke and dead will call you to a strict account for, which you know not how soone hee may doe; for though *you be as gods, yee shall dye like men, and fall like one of the Princes.* Therefore, as Christ saith, *Be instructed, yee Iudges of the earth:* feare and tremble before this great God: *Kisse the Sonne, least he be angry, and yee perish from the way; when his wrath is kindled but a little:* Blessed are all they that put their trust in him. Which that you may be, it shall be the prayer of

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Your Worships daily Orator at the throne of Grace,

Henry Burton.